

RANDY LAMONT MCKELLAR,)
)
Petitioner,)
)
v.) No. 4:11CV737 JCH
)
MICHAEL BOWERSOX,)
)
Respondent.)

This matter is before the Court on petitioner’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. The petition does not comply with Rule 8 of the Federal Rules of Civil Procedure.¹ Rule 8 says that “a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). Rule 8 further states, “Each allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). Petitioner’s petition is 118 pages long, despite the fact that it only contains nine grounds for relief. Moreover, Rule 2(d) of the Rules Governing § 2254 Cases states, “The petition must substantially follow . . . a form prescribed by a local district-court rule.” And Local Rule 2.06 requires that pro se habeas petitions be drafted on the Court-provided form. Because the petition as drafted

¹Rule 12 of the Rules Governing § 2254 Cases says, “The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules.”

is unnecessarily prolix, and because it does not follow the Court-provided form, the Court will order petitioner to file an amended petition within thirty days of the date of this Order. The amended petition must conform to the Federal Rules of Civil Procedure and the Rules Governing § 2254 Cases. To facilitate this requirement, the Court will order the Clerk to send petitioner three copies of the Court's form § 2254 petition.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall mail to petitioner three copies of the Court's form Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254.

IT IS FURTHER ORDERED that petitioner shall file an amended petition within thirty days of the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the petition may be dismissed without prejudice.

Dated this 19th day of May, 2011.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE